

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

CASE NUMBER:

JAMES ALFRED ROSE, III

08-00625-8-JRL

DEBTOR(S)

(CHAPTER 7)

**RESPONSE TO MOTION TO LIFT STAY
FILED BY WELLS FARGO BANK, NA (DE 92)**

The undersigned Trustee serving in the above referenced case herewith responds and objects to the Motion for Relief from Stay filed by Wells Fargo Bank, NA in this case based upon the following:

This case was recently converted to Chapter 7 and the Chapter 7 Trustee needs time to conduct the Chapter 7 § 341 meeting of the creditors, and to receive and review certain documents and information. The Trustee is further informed that there is substantial equity in the property which is the subject of the Motion for Relief from Stay and is in the process of further investigation regarding the value of and potential benefit to the estate of a potential sale of the property.

Request for Account History: In accordance with Local Rule 4002-1(c), the Trustee hereby requests that the creditor promptly provide a statement of account showing a history of all advances, charges, payments, and credits, and the current payoff amount on the loan.

Request for Hearing: The Trustee requests that this matter be scheduled for hearing in Wilmington at the next available session of court, with the stay to continue in effect pending the hearing. The attorney for the movant has been contacted and has consented to this request.

DATED: May 1, 2008

BUTLER & BUTLER, L.L.P.

s/ Algernon L. Butler, III

Algernon L. Butler, III
Attorneys for the Trustee
NC State Bar No. 20881
P. O. Box 38
Wilmington, NC 28402
Telephone: (910) 762-1908
Facsimile: (910) 762-9441

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that (s)he is over eighteen (18) years of age, and that the

**RESPONSE TO MOTION TO LIFT STAY
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in the above captioned case was this day served upon the below named persons as follows:

By electronic service through CM/ECF:

Dean R. Davis
Allen, MacDonald & Davis PLLC
1508 Military Cutoff Road, Suite 102
Wilmington, NC 28403

Sean M. Corcoran
Brock & Scott, PLLC
5121 Parkway Plaza Drive, Suite 300
Charlotte, NC 28217

By mailing, postage prepaid, first class mail, or by certified mail return receipt requested if indicated below, or by facsimile if indicated below, of a copy of such instrument to such persons, parties and/or counsel at the address shown below:

Bankruptcy Administrator
Post Office Box 3758
Wilson, NC 27895-3758

James Alfred Rose, III
519 Spencer Farlow Drive
Carolina Beach, NC 28428

Dated: May 1, 2008

BUTLER & BUTLER, L.L.P.

s/ Michelle DeNittis
P.O. Box 38
Wilmington, NC 28402
(910) 762-1908